House File 698 - Introduced

HOUSE FILE 698
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 117)

A BILL FOR

- 1 An Act relating to officer disciplinary actions and
- 2 establishing a legislative interim committee.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 80F.1, Code 2021, is amended by adding
- 2 the following new subsection:
- 3 NEW SUBSECTION. 20. a. An officer shall not be discharged,
- 4 disciplined, or threatened with discharge or discipline by a
- 5 state, county, or municipal law enforcement agency solely due
- 6 to a prosecuting attorney making a determination or disclosure
- 7 that exculpatory evidence exists concerning the officer.
- 8 b. This subsection does not prohibit a law enforcement
- 9 agency from dismissing, suspending, demoting, or taking other
- 10 disciplinary actions against an officer based on the underlying
- 11 actions that resulted in the exculpatory evidence being
- 12 withheld. If a collective bargaining agreement applies, the
- 13 actions taken by the law enforcement agency shall conform to
- 14 the rules and procedures adopted by the collective bargaining
- 15 agreement.
- 16 Sec. 2. FUTURE REPEAL. This Act is repealed July 1, 2022.
- 17 Sec. 3. BRADY-GIGLIO LIST INTERIM COMMITTEE.
- 18 1. The legislative council is requested to establish a
- 19 Brady-Giglio list interim committee for the 2021 interim. The
- 20 purpose of the committee shall be to do all of the following:
- 21 a. Study the disclosure of information contained in officer
- 22 personnel files as such information relates to a Brady-Giglio
- 23 list.
- 24 b. Study the efficiency of implementing a statewide system
- 25 for a Brady-Giglio list, identifying impartial entities to
- 26 conduct investigations pertaining to an officer's acts or
- 27 omissions to act, and recommending the appropriate procedures,
- 28 due process protections, appeal rights, and criteria for the
- 29 placement and removal of an officer's name on and from a
- 30 Brady-Giglio list.
- 31 c. Study any other issues that the committee determines
- 32 relevant to its objective. The committee may solicit the
- 33 advice or testimony of any organization or individual with
- 34 information or expertise relevant to the purpose of the
- 35 committee.

- 1 The committee shall consist of three members of the 2 senate appointed by the majority leader of the senate, two 3 members of the senate appointed by the minority leader of the 4 senate, three members of the house of representatives appointed 5 by the speaker of the house of representatives, and two members 6 of the house of representatives appointed by the minority 7 leader of the house of representatives. Additional committee 8 members shall include the commissioner of the department of 9 public safety or the commissioner's designee, a district court 10 judge appointed by the supreme court, and representatives from 11 all of the following: the Iowa county attorneys association, 12 the Iowa sheriffs and deputies association, the Iowa police 13 chiefs association, the Iowa state police association, the 14 Iowa peace officers association, the Iowa professional fire 15 fighters, the Iowa state troopers association, and the Iowa 16 state patrol supervisors association. The Iowa sheriffs and 17 deputies association member representative shall be an officer 18 who does not hold rank.
- The committee shall elect a chairperson from the members
 appointed.
- 4. The committee shall issue a report, including findings 22 and recommendations, to the governor and the general assembly 23 no later than December 16, 2021.
- 5. For the purposes of this section, "Brady-Giglio list"
 means a list of officers maintained by the county attorney's
 office, including officers who may not have disclosed all
 impeachment information and officers who may have violated the
 pretrial discovery rule requiring officers to turn over all
 evidence that might be used to exonerate a defendant.

30 EXPLANATION

- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 33 This bill relates to officer disciplinary actions.
- The bill amends Code chapter 80F, relating to the rights of 35 officers and public safety and emergency personnel. The bill

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1 prohibits an officer from being discharged, disciplined, or 2 threatened with discharge or discipline by a state, county, or 3 municipal law enforcement agency solely due to a prosecuting 4 attorney making a determination or disclosure that exculpatory 5 evidence exists concerning the officer. However, a law 6 enforcement agency may dismiss, suspend, demote, or take other 7 disciplinary action against an officer based on the underlying 8 actions that resulted in the exculpatory evidence being 9 withheld. The bill specifies that if a collective bargaining 10 agreement applies, the actions taken by the law enforcement 11 agency shall conform to the rules and procedures adopted by the 12 collective bargaining agreement. Under Code section 80F.1, "officer" means a certified 13 14 law enforcement officer, fire fighter, emergency medical 15 technician, corrections officer, detention officer, jailer, 16 probation or parole officer, communications officer, or 17 any other law enforcement officer certified by the Iowa law 18 enforcement academy and employed by a municipality, county, or 19 state agency. 20 The bill establishes a legislative interim committee 21 to study the disclosure of officer personnel files as 22 such information relates to a Brady-Giglio list; study 23 the efficiency of implementing a statewide system for a 24 Brady-Giglio list identifying impartial entities to conduct 25 investigations pertaining to an officer's acts or omissions 26 to act and recommending appropriate procedures, due process 27 protections, appeal rights, and criteria for the placement 28 and removal of an officer's name on and from a Brady-Giglio 29 list; and study any other issues the committee determines to 30 be relevant to its objective. The committee may solicit the 31 advice or testimony of any organization or individual with 32 information or expertise relevant to its study. The bill 33 provides for the membership of the committee and requires 34 the committee to issue a report, including findings and 35 recommendations, to the governor and the general assembly no

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- 1 later than December 16, 2021.
- 2 The bill defines "Brady-Giglio list" as a list of officers
- 3 maintained by the county attorney's office, including officers
- 4 who may not have disclosed all impeachment information and
- 5 officers who may have violated the pretrial discovery rule
- 6 requiring officers to turn over all evidence that might be used
- 7 to exonerate a defendant.
- 8 The bill is repealed on July 1, 2022.